

### REMARKS

Claims 1-9, 11-30, and 32-44 are pending in the present application. By this response, claim 1-6, 14, 22-30, 35, 43, and 44 are amended. Claims 1, 14, 22, 35, 43, and 44 are amended to clarify the subject matter which is being claimed. Additional support for these amendments may be found at least on page 12, lines 27-29 and page 14 lines 12-18 of the present specification. Claims 2-6 and 23-30 are amended in view of the amendments to independent claims 1 and 22. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

#### **I. 35 U.S.C. § 103, Alleged Obviousness, Claims 1-7, 11-28, and 32-44**

The Office Action rejects claims 1-7, 11-28, and 33-44 under 35 U.S.C. § 103(a) as being unpatentable over Freeman et al. (U.S. Patent No. 5,861,881) in view of Bobilin et al. (U.S. Patent No. 4,316,285). This rejection is respectfully traversed.

As to claim 1, the Office Action states:

Referring to claim 1, Freeman discloses receiving a set of audio and video streams (see Column 4, Lines 10-12).

Freeman also discloses presenting selected ones of the set of audio and video streams (see Column 5, Lines 38-40).

Freeman also discloses that responsive to a user input to the data processing system, selectively altering the selected ones of the set of video and audio streams presented for the event (see Column 5, Lines 55-58 and Column 6, Lines 40-44).

Although Freeman discloses transmitted digital video (for sets of audio and video streams) in packets (see Column 11, Lines 19-20), Freeman fails to disclose that some of the selected stream from the set of streams include cyclic redundancy check data based on other streams from the set of streams and synchronizing a portion of a first stream from the selected streams with a portion of a second stream from the other streams by calculating a cyclic redundancy check data for the second stream and comparing the calculated cyclic redundancy check data with the reference cyclic redundancy check data from the first stream to identify synchronization points.

Bobilin discloses that digital streams contain CRC data based on other streams from the set of streams (see Column 3, Lines 8-18 and Column 4, Lines 15-17 for receiving a multiplexed digital signal and those signals containing CRC data) and synchronizing a portion of a first stream from the selected streams with a portion of a second stream from the other

streams by calculating CRC data for the second stream and comparing the calculated CRC data with the reference CRC data from the first stream to identify synchronization points (see Column 7, Lines 23-32 and Figure 5 and see Column 7, Lines 39-54 and Figure 6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the digital video and audio stream transmission system, as taught by Freeman, using the CRC synchronization system, as taught by Bobilin, for the purpose of providing added assurance to determine whether the receiver is synchronized with a data pattern which emulates the true framing pattern (see Column 4, Lines 52-60 of Bobilin).

Office Action dated February 24, 2005, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 22 and 43 with respect to similarly recited subject matter, reads as follows:

1. A method in a data processing system for user controlled selection of multimedia data streams for an event, the method comprising:
  - receiving a set of video streams;
  - receiving a set of audio streams;
  - selecting ones of the set of video streams;
  - selecting ones of the set of audio streams;
  - responsive to user input to the data processing system, selectively altering ones of the selected video streams and ones of the selected audio streams for the event, wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream; and
  - presenting the selected and altered streams concurrently.

Applicants have amended claims 1, 14, 22, 35, 43, and 44 to exclude subject matter rejected under Bobilin. Thus, the following arguments are directed to the Freeman references. Applicants respectfully submit that Freeman fails to teach or suggest responsive to user input to the data processing system, selectively altering ones of the selected video streams and ones of the selected audio streams for the event, wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream; and presenting the selected and altered streams concurrently.

Freeman is directed to an interactive computer system where subscribers interact with a fully interactive program through the use of input devices and a personal computer or a television. The multiple video/audio data streams may be received from a broadcast

transmission source or may be resident in local or external storage. In response to user inputs, a personalized graphics, video and/or audio presentation is provided to the user either immediately or at a later time.

Thus, Freeman merely teaches a presentation system where a user may select a single video stream and a single audio stream presentation which is presented in a personalized graphic presentation. If the user wants to be presented with a different video stream or a different audio stream, the user must select the different video or audio stream and then the Freeman system switches the current video or audio stream to the newly selected stream. Nowhere, in any section of the Freeman reference, is it taught or suggested that responsive to user input to the data processing system, selectively altering ones of the selected video streams and ones of the selected audio streams for the event, wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream; and presenting the selected and altered streams concurrently. In fact, Freeman actually teaches presenting only one video and one audio to the user at column 5, lines 37-45, which reads as follows:

The CPU 108 determines what video to display and audio to play based upon the interactive commands which it receives. Based upon the commands, it plays the appropriate input from its input devices, which are the Video Selector 10, Video Sources 38, 42 and Hard Disk 34. Audio is received and processed by the Audio Card 30 which sends audio to Speakers 26 and/or headphones 50 as shown in FIGS. 1-3.

In this section Freeman describes presenting the selected video and the selected audio to the users based on the interactive commands it receives from the user. While the user of Freeman may select from various video streams, the various video streams are not altered to selectively omit content of at least one of the selected streams while retain other content for presentation to produce an altered stream. Freeman either presents the entire video stream and entire audio stream or just the video stream. Neither of the streams of Freeman have portions of the streams omitted while other portions are retained.

Independent claims 14, 35, and 44 recite similar features in their respective claim terminology. Claims 14, 35, and 44 recite "responsive to user input to the data processing system, selectively altering ones of the selected video streams and ones of the

selected audio streams for the event, wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream." As discussed above, Freeman presents all or nothing of the video or audio streams.

Furthermore Freeman does not teach presenting the selected and altered streams concurrently. As discussed above, Freeman does not alter to selectively omit content of at least one of the selected streams while retain other content for presentation to produce an altered stream. Freeman is concerned with sequential mixing rather than concurrent mixing. In other words, there is a lot of selection and branching provided by Freeman, but Freeman does not modify the stream itself. Freeman changes from one selected stream to another and tries to splice them seamlessly together. Freeman does not present an altered stream that has been altered by selectively omitting content of at least one of the selected streams while retaining other content for presentation to produce an altered stream

Moreover, in addition to their dependency from independent claims 1 and 22, the specific features recited in dependent claims 2-5, 11-13, 15-21, 23-26, 32-34, and 36-44 are not taught by the Freeman and Bobilin, taken alone or in combination. For example, with regard to claims 4 and 25, Freeman and Bobilin do not teach or suggest selecting additional selected ones of the set of video streams for presentation. As discussed above, Freeman teaches presenting only one video stream to the user at a time. Thus, there would be no need to present another video stream along with the concurrently presented video stream.

Additionally, with regard to claims 6 and 27, Freeman and Bobilin, taken alone or in combination, fail to teach or suggest selecting additional selected ones of the set of audio streams for presentation. As discussed above, Freeman teaches presenting the user with only one audio at a time. Thus, there would be no need to present another audio stream in addition to the concurrently presented audio stream.

Furthermore, there is not so much as a suggestion in any of the references to modify the references to include such features. That is, there is no teaching or suggestion in Freeman or Bobilin that a problem exists for which responsive to user input to the data processing system, selectively altering ones of the selected video streams and ones of the

selected audio streams for the event, wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream, is a solution. To the contrary, Bobilin do not teach or suggest such features. Freeman teaches presenting the user with only one video stream and one audio stream at a time.

One of ordinary skill in the art, being presented only with Freeman and Bobilin, and without having a prior knowledge of Applicants' claimed invention, would not have found it obvious to combine and modify Freeman and Bobilin to arrive at Applicants' claimed invention. To the contrary, even if one were somehow motivated to combine Freeman and Bobilin, and it were somehow possible to combine the systems, the result would not be the invention, as recited in claim 1. The resulting system still would not present a first video stream, a first audio stream, and at least one other multimedia data stream concurrently.

Thus, Freeman and Bobilin, taken alone or in combination, fail to teach or fairly suggest all of the features in independent claims 1, 14, 22, 35, 43, and 44. At least by virtue of their dependency on claims 1, 14, 22, 35, 43, and 44, the specific features of claims 2-5, 11-13, 15-21, 23-26, 32-34, and 36-44 are not taught or suggested by Freeman, Bobilin, and Itakura, taken alone or in combination. Accordingly, Applicants respectively request withdrawal of the rejection of claims 1-5, 11-26, and 32-44 under 35 U.S.C. § 103(a).

## **II. 35 U.S.C. § 103, Alleged Obviousness, Claims 8, 9, 29, and 30**

The Office Action rejects claims 8, 9, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Freeman et al. (U.S. Patent No. 5,861,881) in view of Bobilin et al. (U.S. Patent No. 4,316,285) in further view of Itakura et al. (U.S. Patent no. 6,493,832). This rejection is respectfully traversed.

Claims 8, 9, 29, and 30 are dependent on independent claims 1 and 22 and, thus, these claims distinguish over Freeman and Bobilin for at least the reasons noted above with regards to claims 1 and 22. Moreover, Freeman and Bobilin do not provide for the deficiencies of Itakura and, thus, any alleged combination of Freeman, Bobilin, and

Itakura would not be sufficient to reject independent claims 1, and 22 or claims 8, 9, 29, and 30 by virtue of their dependency. That is, Itakura does not teach or suggest selectively altering ones of the selected video streams and ones of the selected audio streams for the event, wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream in response to user input to the data processing system.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicants' disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, Freeman, Bobilin, and Itakura cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through an impermissible use of hindsight with the benefit of Applicants' disclosure a model for the needed changes.

In view of the above, Freeman, Bobilin, and Itakura, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1 and 22, from which claims 8, 9, 29 and 30 depend. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 8, 9, 29 and 30 under 35 U.S.C. § 103.

**III. Conclusion**

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: June 24, 2005

Respectfully submitted,

Francis Lammes

Francis Lammes  
Reg. No. 55,353  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
Agent for Applicants